IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 20.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.262 of 2006

E.Muniappa Petitioner

Vs.

1. The District Magistrate and District Collector,
   Krishnagiri District, Krishnagiri.

2. The Secretary to Government,
   Prohibition and Excise Department,
   Fort St. George, Chennai-9. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records relating to the detention order dated 24.12.2005 passed by the first respondent herein in his office proceedings S.C.No.15 of 2005, quash the same and direct the respondents to produce the petitioner sister son's wife namely Rajamma, wife of Munikrishnappa, Kelamangalam, Denkanikottai Taluk, Krishnagiri District presently undergoing detention in the Special Sub Jail for Women, Vellore under section 3(1) of the Tamil Nadu Act 14 of 1982 before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.P.Mani for Mr.G.Ethirajulu
For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by V.DHANAPALAN J.)

The daughter-in-law of the petitioner's sister by name Rajamma has been detained as a ''Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 24.12.2005, and the petitioner challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

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3. At the foremost, learned counsel for the petitioner submitted that there is enormous delay in disposal of the representation of the detenu, which vitiates the ultimate order of detention. With reference to the above claim, learned Additional Public Prosecutor has placed the details, which show that the representation of the detenue dated 15.02.2006 was received by the Government on 17.02.2006 and remarks were called for from the Government on the same day i.e. on 17.02.2006 and the remarks were received by the Government on 01.03.2006 and the File was submitted on 02.03.2006 and the same was dealt with by the Under Secretary and the Deputy Secretary on the same day i.e. on 02.03.2006 and finally, the Minister for Prohibition and Excise passed orders on 03.03.2006. The rejection letter was prepared on 08.03.2006 and the same was sent to the detenu on the same day i.e. on 08.03.2006 and served to him on 13.03.2006. As rightly pointed out by the learned counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on 03.03.2006, there is no explanation at all for taking time for preparation of rejection letter till 08.03.2006. In the absence of any explanation by the person concerned even after excluding the intervening holidays, we are of the view that the time taken for preparation of rejection letter is on the higher side and we hold that the said delay has prejudiced the detenu in disposal of his representation. On this ground, we quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenue is directed to be set at liberty forthwith from the custody unless she is required in some other case or cause.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The District Magistrate and District Collector, Krishnagiri District, Krishnagiri.

2.The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

3. The Superintendent, Special Sub Jail for Women, Vellore.
(In duplicate for communication to detenue)

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4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

+ one cc to M/S.G.Ethirajulu, Advocate Sr.No.25745.

JP (CO)
RSM/28.6.2006

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